

TERMED TRANSF

U.S. District Court  
U.S. District Court of Montana (Butte)

CIVIL DOCKET FOR CASE #: 04-CV-26

Magten Asset v. Hanson, et al  
Assigned to: Judge Richard F. Cebull  
Demand: \$0,000  
Lead Docket: None  
Dkt# in other court: None

Filed: 04/19/04  
Jury demand: Plaintiff  
Nature of Suit: 190  
Jurisdiction: Diversity

Cause: 28:1332 Diversity-Breach of Fiduciary Duty

MAGTEN ASSET MANAGEMENT,  
Corporation  
plaintiff

James H. Goetz  
[COR LD NTC ret]  
James Devlan Geddes  
[COR LD NTC ret]  
GOETZ GALLIK & BALDWIN  
PO Box 6580  
Bozeman, MT 59771-6580  
406-587-0618  
FTS 587-5144

John W. Brewer  
[COR LD NTC ret]  
Bonnie Steingart  
[COR LD NTC ret]  
FRIED, FRANK, HARRIS, SHRIVER &  
JACOBSON  
One New York Plaza  
New York, NY 10004  
212-820-8028

v.

MIKE J. HANSON  
defendant

Stanley T. Kaleczyc  
[COR LD NTC ret]  
Kimberly A. Beatty  
[COR LD NTC ret]  
BROWNING KALECZYC BERRY & HOVEN  
PO Box 1697  
Helena, MT 59624-1697  
406-443-6820  
FTS 443-6883

JACK D. HAFFEY  
defendant  
[term 07/12/04]



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2:04cv26 Magten Asset v. Hanson, et al

TERMED  
TRANSF

ERNIE J. KINDT  
defendant

Stanley T. Kaleczyc  
(See above)  
[COR LD NTC ret]  
Kimberly A. Beatty  
(See above)  
[COR LD NTC ret]

ELLEN M. SENECHAL  
defendant  
[term 07/12/04]



Proceedings include all events.  
2:04cv26 Magten Asset v. Hanson, et al  
MAGTEN ASSET MANAGEMENT, Corporation

TERMED  
TRANSF

plaintiff

v.

MIKE J. HANSON; JACK D. HAFFEY; ERNIE J. KINDT; ELLEN M.  
SENECHAL

defendant



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

4/19/04 1 COMPLAINT and Demand for Jury Trial (crm)

4/19/04 -- SUMMONS issued as to defendant Mike J. Hanson, defendant Jack D. Haffey, defendant Ernie J. Kindt, defendant Ellen M. Senechal. (4) Orig and (8) cpy mailed to pla cnsl in Bozeman (crm)

4/19/04 -- FILING FEE PAID: on 4/26/04 in the amount of \$ 150.00, receipt # 30316. (crm)

4/19/04 -- FILE DELIVERED to c/c in Billings by cert mail 7002 2030 0000 8022 1199 (crm)

4/20/04 -- RECEIVED file in Billings clerk's office from Butte. (poc)

4/20/04 -- FILE DELIVERED to clerk's shelf (poc)

6/14/04 2 WAIVER OF SERVICE acknowledged/received by defendant Mike J. Hanson, defendant Jack D. Haffey, defendant Ernie J. Kindt, defendant Ellen M. Senechal on 6/8/04 (crm)

7/7/04 -- Lodged PROPOSED Order submitted by plaintiff Magten Asset RE Motion #3. (ell)

7/7/04 -- REMARK - Mailed document #3 with copy and Proposed Order to Clerk's office in Blgs for Review by Judge Cebull. (ell)

7/7/04 3 MOTION by plaintiff Magten Asset for order dismissing defts Haffey & Senechal with prej & amending caption (rmw) [Entry date 07/12/04]

7/8/04 -- FILE DELIVERED to RFC for review of Mot to dismiss and amend caption (snyb)

7/9/04 4 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt to dismiss (ell) [Entry date 07/12/04]

7/9/04 5 MEMORANDUM/BRIEF by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of motion to dismiss [4-1] (ell) [Entry date 07/12/04]

7/12/04 -- REMARK - Mailed document #4 and 5 with copies in Red Folder to Clerk's Office in Billings. (ell)

7/12/04 6 ORDER by Judge Richard F. Cebull granting Plaintiff motion for order dismissing defts Haffey & Senechal without prej & amending caption [3-1] dismissing party Ellen M. Senechal, party Jack D. Haffey without prej and caption of case is amended and the execution & filing of Stipulated Motions by co for defts shall not be deemed a waiver of any defenses included but not limited to any Rule 12(b) defenses that defts may otherwise be entitled to assert (cc: all counsel) (rmw) [Edit date 07/12/04]



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

7/20/04 7 MOTION by plaintiff Magten Asset for attorney JOHN W. STEWART to appear pro hac vice, and for attorney BONNIE STEINGART to appear pro hac vice (crm)

7/20/04 -- PROPOSED ORDER re[7-1], re[7-2] submitted by plaintiff Magten Asset, (crm)

7/20/04 -- REMARK phoned atty Geddes office for phv fee (crm)

7/21/04 -- FILE DELIVERED to RFC for review of prop order (snyb)

7/23/04 8 ORDER by Judge Richard F. Cebull granting motion for attorney JOHN W. STEWART to appear pro hac vice [7-1], granting motion for attorney BONNIE STEINGART to appear pro hac vice [7-2] (cc: all counsel) (snyb) [Entry date 08/04/04]

8/2/04 9 RESPONSE by plaintiff Magten Asset to motion to dismiss [4-1] (ell) [Edit date 08/04/04]

8/2/04 -- REMARK - Mailed document #8 with copy to Clerk's Office in Blgs. (ell)

8/4/04 10 ACKNOLEDGEMENT AND ACCEPTANCE OF ADMISSION PRO HAC VICE/ NOTICE by plaintiff Magten Asset (ell) [Edit date 08/05/04]

8/4/04 -- REMARK - Mailed document #9 with 2 copies to Clerk's Office in Billings. (ell)

8/11/04 11 MOTION by defendants Ernie J. Kindt to extend time for dft to file Reply Brief in Support of Motion To Dismiss to 8/20/04 (ell) [Entry date 08/12/04]

8/11/04 -- Lodged PROPOSED Order submitted by defendant Ernie J. Kindt RE Motion #11. (ell) [Entry date 08/12/04]

8/12/04 -- REMARK - Mailed document #11 with copy and proposed Order w/envl to Clerks ofc in Billings. (ell)

8/16/04 -- FILE DELIVERED to RFC chambers for review of Motion for Extension of Time to File Reply Brf (poc)

8/17/04 12 ORDER by Judge Richard F. Cebull granting motion to extend time for dft to file Reply Brief in Support of Motion To Dismiss to 8/20/04 [11-1] (cc: all counsel) (caa) [Entry date 08/18/04]

8/20/04 13 REPLY by defendant Mike J. Hanson, defendant Ernie J. Kindt to response to motion to dismiss [4-1] file delivered to: Judge Cebull (snyb) [Entry date 08/27/04]

8/20/04 14 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt for summary judgment (snyb) [Entry date 08/27/04]



Proceedings include all events.  
2:04cv26 Magten Asset v. Hanson, et al

TERMED

TRANSF

[Edit date 08/27/04]

8/20/04 15 MEMORANDUM/BRIEF by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of motion for summary judgment [14-1] (snyb) [Entry date 08/27/04]

8/20/04 16 AFFIDAVIT of Kimberly A. Beatty re [14-1] (snyb) [Entry date 08/27/04]

8/20/04 17 STATEMENT of uncontroverted facts by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of [14-1] (snyb) [Entry date 08/27/04]

8/20/04 -- \*\*\*\*\* BEGIN VOLUME #2 WITH DOCUMENT # 17 \*\*\*\*\* (snyb) [Entry date 08/27/04]

8/27/04 -- FILE DELIVERED to RFC for review of fully brfd M/Dismiss (snyb)

9/13/04 18 RESPONSE by plaintiff Magten Asset to motion for summary judgment [14-1] (ell)

9/13/04 19 STATEMENT of facts by plaintiff Magten Asset in support of [18-1] (ell)

9/13/04 20 DECLARATION of J. Devlan Geddes by plaintiff Magten Asset re [18-1] (ell)

9/13/04 -- REMARK - Mailed document #18, 19 and 20 w/copies to Clerk's Office in Blgs. (ell)

9/27/04 21 REPLY by defendant Mike J. Hanson, defendant Ernie J. Kindt to response to motion for summary judgment [14-1] file delivered to: RFC (crm) [Entry date 09/28/04]

1/27/05 22 ORDER by Judge Richard F. Cebull denying dft's motion for summary judgment [14-1] (cc: all counsel) (snyb)

2/23/05 -- FILE DELIVERED to clerk's ofc for refiling (caa)

3/25/05 23 STATUS REPORT by defendant Mike J. Hanson, defendant Ernie J. Kindt (ell) [Entry date 03/28/05]

3/28/05 -- REMARK - Mailed document #23 w/cpy to Clk in Blgs. (ell)

3/28/05 -- REMARK Volume 3 begins with Document #23 (caa) [Entry date 04/26/05]

3/31/05 -- FILE DELIVERED to RFC for review of status report (snyb)

3/31/05 24 STATUS REPORT by plaintiff Magten Asset (ell)

3/31/05 -- REMARK - Mailed document #24 w/cpy to Blgs. (ell)



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

4/1/05 25 ORDER by Judge Richard F. Cebull denying motion to dismiss [4-1] (cc: all counsel) (caa)

4/4/05 -- FILE DELIVERED to RFC (am) for review (snyb)

4/5/05 26 PRELIMINARY Pre-trial Conference Order by Judge Richard F. Cebull ; Preliminary Pretrial Conf set for 10:00 5/24/05 PPT Statement due: 5/17/05; Joint Discovery plan due: 5/17/05; (cc: all counsel) (snyb)

4/21/05 27 ANSWER by defendant Mike J. Hanson, defendant Ernie J. Kindt complaint [1-1] (crm) [Entry date 04/22/05]

4/26/05 -- FILE DELIVERED to RFC (EA) for setting of ppt (caa)

4/27/05 -- FILE DELIVERED to clerk's ofc for refiling (caa)

5/5/05 28 JOINT DISCOVERY PLAN by plaintiff Magten Asset (ell)

5/5/05 -- REMARK - Mailed document #28 with copy to Blgs. (ell)

5/9/05 -- FILE DELIVERED to Clerk's office for re-shelving (hmm)

5/10/05 29 NOTICE OF TELEPHONIC APPEARANCE for ppt set for 5/24/05 by plaintiff Magten Asset (crm)

5/13/05 30 NOTICE OF TELEPHONIC AND IN PERSON APPEARANCES by defendant Mike J. Hanson, defendant Ernie J. Kindt (crm) [Entry date 05/16/05]

5/17/05 -- FILE DELIVERED to RFC for review (clr)

5/17/05 31 PRELIMINARY PRETRIAL STATEMENT by plaintiff Magten Asset (crm)

5/17/05 32 PRELIMINARY PRETRIAL STATEMENT by defendant Mike J. Hanson, defendant Ernie J. Kindt (crm) [Entry date 05/18/05]

5/17/05 33 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt to transfer case this case to the District of Delaware, or in the alternative to stay case pending resolution of related proceedings in the District of Delaware (crm) [Entry date 05/18/05]

5/17/05 -- PROPOSED STIPULATION RE: RULE 26(A) (1) (B) DISCLOSURE submitted by plaintiff Magten Asset, defendant Mike J. Hanson, defendant Ernie J. Kindt (crm) [Entry date 05/18/05]

5/19/05 -- Lodged proposed Order and FILE DELIVERED to RFC for review (caa)



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

5/19/05 34 MEMORANDUM/BRIEF by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of motion to transfer case this case to the District of Delaware [33-1], of motion to stay case pending resolution of related proceedings in the District of Delaware [33-2] (crm) [Entry date 05/20/05]

5/19/05 35 AFFIDAVIT of KIMBERLY A. BEATTY re [33-1], re [33-2] (crm) [Entry date 05/20/05]

5/23/05 36 STIPULATION and ORDER by Judge Richard F. Cebull regarding disclosures. (cc: all counsel) (caa)

5/25/05 37 SCHEDULING ORDER by Judge Richard F. Cebull; jury trial set for 9:00 2/12/07 with a 7-member jury and is expected to last 6 days; Preliminary Pretrial Conference held on 5/25/05 ; final pretrial conference set for 10:00 2/1/07 ; motion in limine ddl is 1/22/07; Motion filing ddl: 10/23/06; Discovery due: 1/31/06; last date to amend pleadings is 7/29/05. (See order for other specifics) (cc: all counsel) (caa) [Entry date 05/26/05]

5/25/05 -- REMARK - Volume 4 begins with Document #37. (caa) [Entry date 05/26/05]

5/25/05 38 AFFIDAVIT of Thomas Knapp re [33-1] which is the Motion to Transfer Venue or in the alternative, stay action. (caa) [Entry date 05/26/05]

5/26/05 -- FILE DELIVERED to motions drawer for response due 6/6/05 (caa)

6/2/05 39 RESPONSE by plaintiff Magten Asset to motion to transfer case this case to the District of Delaware [33-1], to motion to stay case pending resolution of related proceedings in the District of Delaware [33-2] (ell) [Entry date 06/03/05]

6/3/05 40 DECLARATION by plaintiff Magten Asset re [39-1] of Bonnie Stingart in support of Magtens Opposition to dfts Motion for Transfer or in the Alternative Stay Action. (ell)

6/3/05 -- REMARK - Mailed document #39 and 40 w/copies to Blgs. (ell)

6/3/05 41 RETURN OF SERVICE by plaintiff Magten Asset of Subpoena (ell)

6/3/05 -- REMARK - mailed document #41 to Blgs. (ell)

6/6/05 42 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt to extend time to respond to pla's initial discovery (crm) [Entry date 06/07/05] [Edit date 06/07/05]



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

6/6/05 43 MEMORANDUM/BRIEF by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of motion to extend time to respond to pla's initial discovery [42-1] (crm) [Entry date 06/07/05]

6/6/05 -- PROPOSED ORDER re[42-1] submitted by defendant Mike J. Hanson, defendant Ernie J. Kindt (crm) [Entry date 06/07/05]

6/6/05 44 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt for protective order seeking temporary stay of discovery, and for expedited consideration and hearing (crm) [Entry date 06/07/05]

6/6/05 45 MEMORANDUM/BRIEF by defendant Mike J. Hanson, defendant Ernie J. Kindt in support of motion for protective order seeking temporary stay of discovery [44-1], of motion for expedited consideration and hearing [44-2] (crm) [Entry date 06/07/05]

6/13/05 46 ORDER by Judge Richard F. Cebull granting motion to extend time to respond to pla's initial discovery [42-1] (cc: all counsel) (caa) [Entry date 06/14/05]

6/16/05 47 REPLY by defendant Mike J. Hanson, defendant Ernie J. Kindt to response to motion to transfer case this case to the District of Delaware [33-1], motion to stay case pending resolution of related proceedings in the District of Delaware [33-2] file delivered to: RFC (crm) [Entry date 06/17/05] [Edit date 06/17/05]

6/17/05 48 MOTION by defendant Mike J. Hanson, defendant Ernie J. Kindt for hearing re motion to transfer (ell) [Entry date 06/20/05]

6/17/05 -- Lodged PROPOSED Order submitted by defendant Mike J. Hanson, defendant Ernie J. Kindt RE Motion #48. (ell) [Entry date 06/20/05]

6/20/05 -- REMARK - Mailed document #48 with copy and proposed Order to Clk in Billings. (ell)

6/20/05 49 RESPONSE by plaintiff Magten Asset to motion for protective order seeking temporary stay of discovery [44-1] (ell) [Entry date 06/22/05]

6/20/05 50 DECLARATION of John W. Brewer by plaintiff Magten Asset re [49-1] (ell) [Entry date 06/22/05]

6/20/05 -- Lodged PROPOSED Order submitted by plaintiff Magten Asset (ell) [Entry date 06/22/05]

6/22/05 -- FILE DELIVERED to RFC for review of prop order for hrg (snyb)



Proceedings include all events. TERMED  
 2:04cv26 Magten Asset v. Hanson, et al TRANSF

6/22/05 -- REMARK - Mailed document #49 and 50 with copies and PO to Clk in Blgs. (ell)

6/23/05 -- FILE DELIVERED to RFC for review of 2 prop orders (snyb)

7/1/05 51 REPLY by defendant Mike J. Hanson, defendant Ernie J. Kindt to response to motion for protective order seeking temporary stay of discovery [44-1], motion for expedited consideration and hearing [44-2] file delivered to: RFC (crm) [Entry date 07/07/05]

7/11/05 52 ORDER by Judge Richard F. Cebull finding the motion for hearing re motion to transfer [48-1] moot., finding the motion for protective order seeking temporary stay of discovery [44-1] moot., finding the motion for expedited consideration and hearing [44-2] moot., granting motion to transfer case this case to the District of Delaware [33-1], finding the motion to stay case pending resolution of related proceedings in the District of Delaware [33-2] moot. Case transferred to Dist of: Delaware, Original documents 1-51 and a certified cpy of this Order mailed by delivery confirmation. (cc: all counsel) (caa) [Entry date 07/12/05]

UNITED STATES OF AMERICA  
 DISTRICT OF MONTANA } 68.  
 I, PATRICK E. DUFFY, Clerk of the United States  
 District Court for the District of Montana, hereby  
 certify that the above and foregoing is a true copy  
 of the original now on file in my office  
 Dated the 12 day of July 2005  
 By PATRICK E. DUFFY, Clerk  
 Deputy

*Conradson*

